

CITY COUNCIL MEETING
APRIL 6, 1988

COUNCIL ACTS ON
URGENCY APPOINTMENT
TO THE CITY OF LODI
PERSONNEL BOARD
OF REVIEW

CC-2(f)

Following a report, regarding the receipt of a wire from Peter Tussey, resigning from the City of Lodi Personnel Board of Review and the need for urgency action on the posting of the subject vacancy, Council, on motion of Council Member Hinchman, Pinkerton second, voted to place this matter on the agenda for action by the City Council.

On motion of Council Member Reid, Hinchman second, Council directed the City Clerk to make the necessary posting required by law regarding this vacancy on the City of Lodi Personnel Board of Review.

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67 Ops.Atty.Gen.

the Tuolumne River
67 Ops.Atty.Gen.

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of State of Cal

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GOVERNMENT CODE

§ 54974

(4) The action taken was in connection with the collection of any tax.

(d) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, or 54956 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(e) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter. (Added by Stats.1986, c. 641, § 9. Amended by Stats.1987, c. 1327, § 2.)

§ 54960.5. Costs and attorney fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated * * * this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit. (Amended by Stats.1986, c. 641, § 10.)

1986 Legislation

The 1986 amendment authorized costs and fees in action brought a person into section "54960.1"; substituted, at the end of the first sentence, "chapter" for "article"; and included at the end of the first paragraph "of the local agency".

for governmental action violated Brown Act (§ 54950 et seq.) and to ensure that such illegal procedure did not occur in the future, was sufficient to support an award of attorney fees under that act. Common Cause v. Stirling (App. 4 Dist.1983) 195 Cal.Rptr. 163, 147 C.A.3d 518.

Newspaper, as petitioner seeking disclosure from city, pursuant to Public Records Act (Gov. C. § 6250 et seq.), of financial statements used to evaluate rate increase city granted waste disposal company, was entitled to costs and reasonable attorney fees incurred in bringing writ of mandate below, as well as in petitioning court of appeal for review. San Gabriel Tribune v. Superior Court of State of Cal. (1983) 192 Cal.Rptr. 415, 143 C.A.3d 762.

Notes of Decisions

2. Attorney fees

Public benefit from plaintiffs' lawsuit, which was brought for purpose of judicially determining that the use of internally circulated letters among city council members as a vehicle

§ 54962. Closed session by legislative body prohibited

Except as expressly authorized by this chapter, no closed session may be held by any legislative body of any local agency.

(Added by Stats.1987, c. 1320, § 6.)

CHAPTER 11. OPEN LISTS OF LOCAL APPOINTEE OFFICES

§ 54974. Unscheduled vacancy; special notice; acting basis; final appointment

(a) Whenever an unscheduled vacancy occurs in any board, commission, or committee for which the legislative body has the appointing power, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the office of the clerk of the local agency, and in other places as directed by the legislative body not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office.

(b) Notwithstanding subdivision (a), the legislative body may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

(Amended by Stats.1985, c. 985, § 14.5.)

Asterisks * * * indicate deletions by amendment

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§ 54974

Notes of Decisions

1. Public notice
Posting of public notices under Gov.C. § 54974 is not required when city council of general law city fills by

appointment unscheduled vacancy on the council. 68 Ops. Atty.Gen. 122, 5-24-85.

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(6) Any fee charged or collected indexing any document, perform document pursuant to Section 2 27361.3, 27361.4, 27361.8, 2736 Health and Safety Code, or Sec

(7) Any fee charged or collected 2 of Part 3 of Division 2 of Title 2 (Added by Stats. 1983, c. 295, §

Library References
Counties § 193.
C.J.S. Counties § 284.

CHAPTER 12. MUNICIPAL SERVICES AND FUNCTIONS

§ 54980. Definitions

Notes of Decisions

1. Municipal services or functions
For purposes of determining whether county's program of certifying paramedics for ambulance services was immune

from antitrust liability under the state action doctrine, provision of emergency service is a traditional municipal function. Mercy-Peninsula Ambulance, Inc. v. San Mateo County (D.C. 1984) 592 F.Supp. 956, affirmed 791 F.2d 755.

CHAPTER 12.5. COUNTY FEES

Section

54955. Authority to increase or decrease fees or charges; basis; disputes; application of chapter.
54986. Public meetings; notice
54987. Construction of chapter.

Chapter 12.5 was added by Stats. 1983, c. 295, § 1.

Cross References

Processing fee for payment of delinquent taxes in installments, see Revenue and Taxation Code § 4217.
Processing of an application for separate valuation of any parcel for redemption, see Revenue and Taxation Code § 4151.

Processing of an application for separate valuation of parcel on current roll, see Revenue and Taxation Code § 2821.

§ 54985. Authority to increase or decrease fees or charges; basis; disputes; application of chapter

(a) Notwithstanding any other provision of law which prescribes an amount or otherwise limits the amount of a fee or charge which may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease any such fee or charge, which is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs which may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

(b) If any person disputes whether a fee or charge levied pursuant to subdivision (a) is reasonable, the board of supervisors may request the county auditor to conduct a study and to determine whether such fee or charge is reasonable.

Nothing in this subdivision shall be construed to mean that the county shall not continue to be subject to fee review procedures required by Article XIII B of the California Constitution.

(c) This chapter shall not apply to any of the following:

(1) Any fee charged or collected by a court clerk pursuant to Section 26820.4, 26823, 26824, 26826, 26827, 26827.4, 26830, 72054, 72055, 72056, 72059, 72060, or 72061 of the Government Code or Section 10554 of the Health and Safety Code.

(2) Any fees charged or collected pursuant to Chapter 2 (commencing with Section 6100) of Division 7 of Title 1.

(3) Any standby or availability assessment or charge.

(4) Any fee charged or collected by a county agricultural commissioner.

(5) Any fee charged or collected pursuant to Article 2.1 (commencing with Section 12240) of Chapter 2 of Division 5 of the Business and Professions Code.

Underline indicates changes or additions by amendment

§ 54986. Public meetings; notice

fa) Prior to either approving an or charge pursuant to Section 549 at which oral or written present Notice of the time and place of considered, and a statement that 14 days prior to the meeting to a board of supervisors for mailed written request for such mailed unless a renewal request filed before April 1st of each T. for sending those notices based prior to the meeting, the board of amount of cost, or estimated cost, any regulation for which the fee the product or service or the co

(b) Any action by a board of supervisors an existing fee or charge pursuant

(c) Any costs incurred by a county by a county board of supervisors subdivision (a) may be recovered enforcing any regulation which is (Added by Stats. 1983, c. 295, § 1.

§ 54987. Construction of chapter

(a) This chapter shall not be construed as granting authority to prohibit the levy of a fee or charge

(b) This chapter shall not be construed as granting authority to prohibit the levy of a fee or charge which is in effect January 1, 1984. (Added by Stats. 1983, c. 295, § 1.)

CHAPTER

§ 54989. Levy of fee or charge

Library References

Urban Railroads § 1 et seq.
C.J.S. Street Railroads §§ 1 to 7, 18, 2 Asterisks * * * indicate deletions

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Telegram

MESSAGE NUMBER **A-0177595097** ORIGINATING OFFICE **Murphy's CIA** DATE **4/6/88** FILING TIME **1:16 PM EST**

TO: **Alice Reiniche**
 ADDRESS: **City Clerk City of Lodi 221 W. Pine ST.**
 CITY - STATE & ZIP CODE: **Lodi CA 95241**

Please accept my Resignation Effective immediately
 from The personnel Review Board

204 E 8th St
 RECEIVED
 ARTHUR E. Tussey

SIGNED:

WU5274 (4-75)

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Telegram

MESSAGE
NUMBER 14-0177595097

ORIGINATING
OFFICE Murphy's CA

DATE 4/6/88 FILING TIME 1:16 PM EST

TO: Alice Reinche

ADDRESS: City Clerk City of Los Angeles 221 W. Pine ST

CITY - STATE & ZIP CODE: Los Angeles CA 95241

Please accept my Resignation Effective immediately
From The personnel Review Board

1988 APR - 6 PM 1:02

Arthur E. Tussey

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SIGNED: